



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND THE MILPITAS HOUSING AUTHORITY

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA

TUESDAY, MARCH 3, 2020
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION (6:00 - 7:00 PM)

a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6

Agency designated representative: Human Resources Director Liz Brown

Employee Groups: Milpitas Employees Association, Mid Management and Confidential employees, and unrepresented employees

b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6

Agency designated representative: Mayor Rich Tran

Unrepresented Employee: City Manager

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATION

- Proclaim March as American Red Cross Month

PUBLIC FORUM (7:05 - 7:25 PM)

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:25 – 7:35 PM)

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a “yes” or “no” as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR (7:35 - 7:45 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive City Council Calendar of Meetings for March 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive City Council Calendar of meetings for March 2020.

C2. Approve City Council Meeting Minutes of January 28, January 31 and February 4, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve meeting minutes of the January 28 special budget study session, January 31, 2020 joint meeting with the Rules Subcommittee and the February 4, 2020 regular City Council meeting.

C3. Adopt Ordinance No. 38.835 to Establish Regulations for Short-Term Rentals (Staff Contact: Daniel Degu, Sr., 408-586-3054)

Recommendation: Waive the second reading and adopt Ordinance No. 38.835, amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 6, 13, and 53 to establish regulations for Short-Term Rentals.

C4. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch) (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution to initiate proceedings for the annual levy and collection of assessments and ordering preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch.

C5. Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1 Sinclair Horizon (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution to initiate proceedings for the annual levy and collection of assessments and ordering preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon.

- C6. Adopt a Resolution Acknowledging Receipt by City Council of a State Mandated Compliance Report on Required Annual Fire Inspection of Certain Occupancies (Staff Contact: Albert Zamora, 408-586-3371)**

Recommendation: Adopt a Resolution acknowledging receipt of the report herein by the Milpitas Fire Department regarding the inspection of certain occupancies requiring annual inspections pursuant to sections CA HSC §13146.2 and §13146.3 of the CA Health and Safety Code.

- C7. Adopt a Resolution Granting Acceptance of the Transit Area Specific Plan On-Street Parking Program Project No. 2017, authorizing the City Engineer to file a Notice of Completion, and to authorize the City Engineer to issue a Notice of Final Acceptance (Staff Contact: Steve Chan, 408-586-3324)**

Recommendation: Adopt a resolution granting acceptance of the Transit Area Specific Plan On-Street Parking Program, Project No. 2017, authorizing the City Engineer to file a Notice of Completion, and to authorize the City Engineer to issue a Notice of Final Acceptance after the one-year warranty.

- C8. Approve the List of Pre-qualified Bidders and Authorize Advertisement for Bids of Fire Station No. 2 Replacement, Project No. 3447 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve List of Pre-qualified bidders and authorize advertisement for bids for Fire Station No. 2 Replacement, Project No. 3447.

- C9. Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Alps Group, Inc. for the Holiday Inn Project at 1100 Cadillac Court (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Authorize the Interim City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Alps Group, Inc. for the Holiday Inn development project at 1100 Cadillac Court.

- C10. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Agreement with DeltaWRX, LLC for Law Enforcement Records Management System Consulting Services by Increasing the Not to Exceed Amount from \$59,340 to \$209,061 (Staff Contact: Henry Kwong, 408-586-2419)**

Recommendations:

(1) Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with DeltaWRX, LLC for Law Enforcement Records Management System Consulting Services by increasing the not to exceed amount from \$59,340 to \$209,061.

(2) Authorize the transfer of \$149,721 from the City Manager's Contingency Fund to the CIP Project No. 3423, Police Records Management System.

- C11. Consider and Approve a Fee Waiver for Temporary Banner Sign Permit Fee of \$112.86 for the Milpitas Friends of the Library (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Consider request received by the City Clerk on February 7, 2020 and approve fee waiver of \$112.86 for cost of Temporary Banner Sign Permit to hang Book Sale Banner on the Library (outdoors) on six dates in 2020.

- C12. Consider and Approve Fee Waiver for Special Event Permit Fee and Sinnott Park Rental for the Christ Community Church's Easter Egg Hunt Community Event on April 4, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Consider request received by the City Clerk on February 3 and approve fee waiver of \$1,500 maximum for Christ Community Church towards Special Event Permit Fee (\$923.63) and partial (2) Park Rental Fee (\$567.37) for Sinnott Park on April 4, 2020 for Easter Egg Hunt community event.

- C13. Receive Summary Report on Assembly Bill 291 and Senate Bill 378 and Authorize Letters of Support (Staff Contact: Christopher Diaz, 408-586-3040)**

Recommendation: Receive summary report on Assembly Bill 291 and Senate Bill 378 and authorize letters of support.

- C14. Per Mayor Tran, Move to Approve the Appointment of Mercedes Albana to Serve on the Milpitas Planning Commission (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Per recommendation of Mayor Tran, move to appoint Mercedes Albana to a term of three years on the Milpitas Planning Commission in a term that will expire in December 2022.

PUBLIC HEARING (7:45 - 7:50 PM)

- 15. Conduct a Public Hearing for the 2020 Weed Abatement Program and Adopt a Resolution to Abate the Weeds (Staff Contact: Albert Zamora, 408-586-3371)**

Recommendations:

(1) Open the Public Hearing and move to close the hearing following any comments.

(2) Adopt a resolution directing the County of Santa Clara Consumer and Environmental Protection Agency-Weed Abatement Program to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council, in accordance with the Milpitas Municipal Code.

COMMUNITY DEVELOPMENT (7:50 - 9:00 PM)

- 16. Receive presentation on reducing exposure to Secondhand Smoke in multi-unit housing and authorize the City Manager to draft policies for future consideration by the City Council (Staff Contact: Jessica Garner, 408-586-3284)**

Recommendation: Receive the presentation and authorize the City Manager to conduct public outreach, develop policy options to prohibit smoking and exposure to secondhand smoke in multi-unit housing, and prepare an implementation plan for future consideration and adoption by the City Council.

- 17. Receive 2019 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and Authorize the Submittal of Both Reports to California Department of Housing and Community Development (HCD) (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendation: Receive 2019 Housing Element Annual Progress Report and Housing Successor Agency Annual Report and authorize the submittal of both reports to California Department of Housing and Community Development (HCD)

- 18. Receive Report on the Pilot Rent Relief Program, Approve Budget Amendment, and Authorize the City Manager to Execute an Amendment to the Professional Services Agreement with Silicon Valley Independent Living Center (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

- (1) Receive report on the Pilot Rent Relief Program.
- (2) Approve a budget amendment to appropriate an additional \$100,000 from the Affordable Housing Fund to the FY 2019-20 Housing Operating Budget for Silicon Valley Independent Living Center (SVILC) to fund the Pilot Rent Relief Program.
- (3) Authorize the City Manager to prepare and execute an amendment to the one-year Professional Services Agreement with Silicon Valley Independent Living Center to include the additional \$100,000 for the management of the Pilot Rent Relief Program.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (9:00 - 9:15 PM)

- 19. Approve and Authorize the City Manager to Execute a five-year agreement with BrightView Landscape Services Inc. for Citywide Parks Maintenance Services, for an amount of \$1,601,698.93 in the first year and a total amount not to exceed Amount of \$8,419,055.76 over five-years, subject to annual appropriation of funds (Staff Contacts: Tony Ndah, 408-586-2602 and Chris Schroeder, 408-586-3161)**

Recommendation: Approve and authorize the City Manager to execute a five-year agreement with BrightView Landscape Services Inc. for Citywide Parks Maintenance Services, for an amount of \$1,601,698.93 in the first year and a total amount not to exceed amount of \$8,419,055.76 over the five-year contract period, subject to annual appropriation of funds.

LEADERSHIP AND SUPPORT SERVICES (9:15 - 10:15 PM)

- 20. Adopt a Resolution to amend the City of Milpitas Classification Plan to adjust the Salary Ranges of Unrepresented Police Management and Unrepresented Fire Management classifications and Adopt the Pay Schedule Titled "All Job Classifications/Salary Table" (Staff Contact: Liz Brown, 408-526-3086)**

Recommendations:

- (1) Adopt a resolution amending the Classification Plan adjusting Salary Ranges for Unrepresented Police Management and specific Unrepresented Fire Management Classifications by 10.69% and adopting the Pay Schedule Titled "All Job Classifications/Salary Table."
- (2) Approve salary increases for the Unrepresented Police Management by 10.69%.

- 21. Review the Pension Actuarial Report and Direct Staff to Return to the Council with the necessary Documents for the Establishment of a 115 Pension Trust (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Review the Pension Actuarial Report and direct staff to return to City Council with the necessary documents for the establishment of a 115 Pension Trust.

- 22. Approve and Authorize the City Manager to Execute the Agreement with Chandler Asset Management for a Five-Year Contract Amount Not to Exceed \$790,000 for Investment Services (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Approve and authorize the City Manager to execute the agreement with Chandler Asset Management for a five-year contract amount not to exceed \$790,000, with the first year of the contract in the amount of \$150,000, for investment services to manage the City's pooled portfolio, subject to the annual appropriation of funds.

- 23. Receive a Report on 2020 Citywide Community Engagement Survey (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendation: Receive a report on results of the 2020 Citywide Community Engagement Survey.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies (10:15 - 11:00 PM)

- 24. Receive and Direct Staff on Scheduling Agenda Items Requested by City Councilmembers (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Review list of items presented (list in agenda packet) that have been requested by City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to Rules or other Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until the item is scheduled as a full agenda item.

- 25. Receive Report of City Council Rules Subcommittee (Contacts: Mayor Tran, 408-586-3029 and Councilmember Dominguez, 408-586-3031)**

Recommendation: Hear report from the two members of the City Council Rules Subcommittee, with any comments from the January 31, 2020 meeting (joint meeting with full City Council). Members may review agenda items requested at the Subcommittee Meeting (see meeting minutes draft).

- 26. Hear Request of Councilmember Phan and Mayor Tran in Support of "Laura's Law" (Contacts: Councilmember Anthony Phan, 408-586-3032 and Mayor Tran, 408-586-3029)**

Recommendation: Hear request of Councilmember Phan and Mayor Tran in support of "Laura's Law" and consider directing staff to send letter of support to County of Santa Clara.

- 27. Receive Report of City Council Housing Subcommittee (Contacts: Councilmember Montano, 408-586-3024 and Vice Mayor Nuñez, 408-586-3023)**

Recommendation: Hear report from the two members of the City Council Housing Subcommittee, with any comments from the January 14, 2020 meeting.

- 28. Receive Report of City Council Transportation Subcommittee (Contacts: Mayor Tran, 408-586-3029 and Councilmember Montano, 408-586-3024)**

Recommendation: Hear report from the two members of the City Council Transportation Subcommittee, with any comments from the February 12, 2020 meeting. Members may review items requested at the Subcommittee meeting (see meeting minutes draft).

NEXT AGENDA PREVIEW

- 29. Receive Preview List of Agenda Items for the March 17, 2020 Regular City Council Meeting (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the March 17, 2020 City Council meeting.

ADJOURNMENT (11:00 PM)

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.